IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

RP.No. 466 of 2007

AGAINST THE JUDGEMENT IN WA.1877/2006 Dated 27/10/2006
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REVIEW PETITIONER/APPELLANT:

GEORGE VARGHESE,
ENGINEER (MAINTENANCE/MECHANICAL),
BADGE NO.12144, ,MECHANICAL MAINTENANCE
DEPARTMENT, FACT (PD), FACT LTD.,
UDYOGAMANDAL 683501.

BY ADV. SRI.S.M.PRASANTH
DR.K.BALAKRISHNAN

RESPONDENTS: RESPONDENTS:
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1. THE CHAIRMAN AND MANAGING DIRECTOR,
FACT LIMITED,
CORPORATE OFFICE, UDYOGAMANDAL.

2. FACT LIMITED, REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR,
CORPORATE OFFICE, UDYOGAMANDAL.

3. THE GENERAL MANAGER (PERSONNEL),
FACT, CORPORATE OFFICE,
UDYOGAMANDAL.

4. SHRI.UMMERKUTTY A.A.,
ASSISTANT MANAGER (MAINTENANCE/MECHANICAL)
PETROCHEMICAL DIVISION, B.NO.13077,
FACT LTD., UDYOGAMANDAL.

BY

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 24/09/2007,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

R.P.No.466 of 2007 in
W.A.No.1877 OF 2006 &
C.M.Appl.No.194 of 2007

Dated 24th September, 2007

ORDER

Koshy,J.

C.M.Appl.No.194 of 2007 is a petition to condone the delay of 56 days in filing the review petition. Since the judgment was dictated in the open court, we are of the opinion that no valid grounds are made out for condoning the delay. However, we shall also consider the merits in the review petition.

2. In the judgment under review, the court dismissed the writ appeal filed by the petitioner. The court also noticed that, earlier for similar relief he along with others agitated the matter by filing O.P.No.16417 of 1997 and that was dismissed by Ext.P10. The above judgment was confirmed in W.A.No. 554 of 1998 and SLP was also dismissed. Apart from that, on merit also it was found that he was not entitled to get the benefit. The judgment was dictated in the open court. We are of the opinion that no grounds are made out for reviewing the judgment. We are also unable to accept the contention that earlier judgment was non est. If erroneously a judgment is relied on or the judgment is wrong on merit, it is for the petitioner to file an appeal. A

review petition cannot be equated to an appeal proceedings or a petition for rehearing of the matter.

Both delay condonation petition and review petition are dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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